

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOHN THOMAS FALVEY,

Case No. 3:23-cv-00119-ART-CLB

11

Plaintiff,

ORDER

JOE BIDEN, *et al.*,

Defendants.

11 Pro se Plaintiff John Thomas Falvey (“Falvey”) brings this action under 42
12 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or
13 “Recommendation”) of United States Magistrate Judge Carla Baldwin (ECF No.
14 5), recommending this action be dismissed without prejudice. Plaintiff had until
15 May 26, 2023 to file an objection. To date, no objection to the R&R has been
16 filed. For this reason, and as explained below, the Court adopts the R&R, and
17 will dismiss the action without prejudice.

18 The Court “may accept, reject, or modify, in whole or in part, the findings
19 or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where
20 a party fails to object to a magistrate judge’s recommendation, the Court is not
21 required to conduct “any review at all . . . of any issue that is not the subject of
22 an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v.*
23 *Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the
24 magistrate judges’ findings and recommendations is required if, but *only* if, one
25 or both parties file objections to the findings and recommendations.”) (emphasis
26 in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that
27 the Court “need only satisfy itself that there is no clear error on the face of the
28 record in order to accept the recommendation.”).

1 Because there is no objection, the Court need not conduct de novo review,
2 and is satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin
3 recommends dismissing the action without prejudice because Falvey failed to
4 either submit a complete IFP application or pay the full filing fee by May 8, 2023.
5 (ECF No. 5 at 1). The Court agrees with Judge Baldwin. Having reviewed the R&R
6 and the record in this case, the Court will adopt the R&R in full.

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8 It is therefore ordered that Judge Baldwin Report and Recommendation
9 (ECF No. 5) is accepted and adopted in full.

10 It is further ordered that this action is dismissed without prejudice.

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12 The Clerk of Court is respectfully directed to close this case.

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14 DATED THIS 23rd Day of June, 2023.

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ANNE R. TRAUM
UNITED STATES DISTRICT JUDGE

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